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C O N F I D E N T I A L SECTION 01 OF 05 JAKARTA 001475

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SUBJECT: COMMISSION OF TRUTH AND FRIENDSHIP HEARINGS IN
JAKARTA

Classified By: A/DCM Larry Mandel, reasons 1.4 (b) and (d).

11. (C) Summary: The May 2-5 hearings of the Commission of Truth and Friendship Indonesia-Timor Leste (CTF) primarily provided opportunities for a series of present and former Indonesian government officials to lay out their theses on the violence of the time. At no time did any official concede wrongdoing. Former Defense Minister and military chief General Wiranto was at his persuasive best. A pro-integration militia leader who was expected to admit to receiving weapons from the Indonesian military danced around the question and said that he could not answer it in public without getting into trouble. He left the impression that he had been pressured to be quiet. A senior Indonesian contradicted the claim by all the others that announcing the referendum results on Sept. 4, 1999 was a surprise. There was an incident between East Timorese Commissioner Olandia Caeiro and Indonesian co-chairman Benajmin Mangkudilaga that almost caused a walkout by the East Timorese. Instead, they refused to participate in the questioning of a witness. The next session of hearings are planned in July in Kupang, West Timor with either one or two series of hearings to follow in Dili. Both an East Timorese and Indonesian commissioner expressed frustration in private about the lack of truthfulness they were hearing at times. The true measure of the commission's work will be in its final report, many months away, which the commission has emphasized will include private testimony and documentary sources. End Summary

12. (C) The third session of hearings by the CTF was held from May 2-5. The committee heard 18 witnesses, many of them notorious. As might be expected, none of the witnesses admitted to any wrongdoing. The more notorious the witness the greater the distance they placed themselves from the accusations they have faced for events in 1999. On the second day of testimony, when East Timorese Commissioner Olandia Caerio asked Aliance Goncalves, a victim witness, about ultimate responsibility for the killing she saw, Indonesian Commissioner Mangkudilaga asked that the witness not answer on the grounds that the person had no way to know. During a subsequent break the East Timorese Commissioners debated boycotting the last witness of the day. Although they attended, they decided not to ask any questions of him. That evening, a 90 minute meeting between the two sides ironed out the differences, and the rest of the hearings proceeded without visible problems.

General Wiranto Makes Polished Presentation

13. (SBU) Unlike many of the other witnesses, General Wiranto managed to display his skills of persuasion, style and

finesse during his two and a half appearance before the commission. He presented in a calm and coherent fashion the argument that Indonesia's performance in East Timor in 1999 had been successful in achieving what it had been tasked to do in the May 5, 1999 agreement between Indonesia, Portugal and the UN. A peaceful and secure "popular consultation" had been held thanks to the dedication of Indonesia's security forces. He illustrated his commitment by playing a video of a speech that he delivered in April of that year on the occasion of the signing of a local peace agreement between all players at the residence of Bishop Belo. The speech was an appeal to end all violence.

¶4. (SBU) Wiranto addressed various issues head on. He acknowledged that violence erupted after the referendum results were announced, but stated that the GOI in fact brought the situation under control through a declaration of martial law and protection of important infrastructure. Calm was restored in order to permit the subsequent deployment of UN INTERFET troops. The violence was a continuation of a 23 year long horizontal conflict, according to Wiranto. East Timorese society still is plagued with such violence. If the GOI had had a hidden agenda, it would not have permitted the referendum to be held.

¶5. (SBU) With respect to militias, Wiranto stated that he had no operational control of them and added that the TNI had not organized, funded or armed them. In fact, Wiranto said the military had facilitated the turning in of arms, not their distribution. Wiranto noted that inappropriate violence in conflict occurs, citing incidents in Poso, Aceh and Iraq, but ascribed such events to personal behavior but not to state policy. The GOI's criteria for success had changed to

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ensuring a successful referendum.

¶6. (SBU) Wiranto called the accusation that the GOI forced the movement of refugees to West Timor a sad one that did not reflect the actual humanitarian crisis of the time. He said that in fact there had been refugee movements early in 1999 as well before the September violence. The military's role was to make available its facilities to help those in need. He pointed to the visit of East Timorese President Xanana Gusmao to West Timor to persuade refugees to return as indicative of the fear most felt, and their willingness to depart East Timor at the time. He stated that much of the arson was committed by refugees who did not want their possessions to fall in the hands of pro-independence supporters. The GOI did not support, plan or commit arson, Wiranto affirmed. He listed a number of organizations, including foreign press, NGO's and Indonesian human rights groups that he described as biased, and complained that pro-independence forces were never pursued for their acts.

¶7. (SBU) Not surprisingly, Wiranto's appearance was the only heavily attended event during the four days, and drew the presence of foreign television. Many in the audience attended to cheer him on. Attempts by East Timorese commissioners to dislodge him from his themes were fruitless. Indonesian commissioners' questions provided him opportunities to strengthen his argumentation. The only question that he rejected out of hand was one about the 1991 Santa Cruz massacre. He labeled the topic as out of context since the commission's charter is to look into the events of ¶1999. He suggested that Portuguese rule would have to be looked at as well.

Expressions of Frustration

¶8. (C) During the subsequent break, Indonesian Commissioner Wisber Loeis asked PolCouns what he thought of General Wiranto's performance. PolCouns noted Wiranto's speaking abilities. Visibly dismayed, Loeis replied with a sigh that there had not been much truth provided. Although he did not

elaborate, Loeis seemed to expect more from the General, with whom the Commission had had several meetings in order to persuade him to testify. When asked what he thought of Timbul Silaen's testimony (see below), Loeis acknowledged that the policeman had mostly uttered nonsense. He said the reason was that Silaen had been ordered to appear by the Chief of Police against his will. During the Wiranto testimony, Djamaris Suleman, a former Indonesian Ambassador to Syria, Lebanon and Cyprus told PolCouns that he had been assigned to East Timor in August 1999. After Suleman complained about UNAMET, PolCouns replied that according to the testimony of senior Indonesians, no human rights violations seemed to have been committed by Indonesian security forces, Suleman smiled broadly and replied "that's not true." He ascribed the desire for East Timorese independence to the systematic mistreatment by Indonesian forces.

Police Inspector General Timbul Silaen Mocks CTF

19. (SBU) In marked contrast to the persuasive style of General Wiranto, then head of police for East Timor Timbul Silaen in effect mocked the CTF during his testimony. He rambled on explaining why he did not have a prepared statement, and warned that he would not answer questions fully if they were not asked in a friendly manner. Each time he received a question, he mostly uttered nonsense. The few substantive claims he made was that he had a small number of personnel under his command, notably when violence broke out in early September. He said half of his people in effect deserted in order to take care of their families. He said that throughout his time in East Timor, there were multiple no go areas that the police could not control. Indonesia has had other regions, such as Aceh and Ambon, for which security could not be established for many years. When asked about refugees, he said that it was a huge humanitarian problem that quickly surpassed his resources, and the military took over command. He complained that there were gaps in the May 5 agreements, including how to require groups to turn in their arms. When asked if he complained about his problems, he replied he would have been told to be silent. He denied knowledge of any scorched earth policies or coordination with militias.

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Major General Noer Muis Attacks UNAMET

110. (SBU) Currently commander of Division 1 of the Kostrad, Noer Muis was a colonel when he took command of Indonesian forces in East Timor on Aug. 13, 1999. Muis opened his presentation by listing integrationist victims of attacks by independence supporters. After discussing TNI cooperation with UNAMET and listing alleged examples of UNAMET cheating during the referendum, Muis asserted that 89 polling stations had fraudulent results. He said that UNAMET should have been held in place to account for their dishonesty but when riots broke out on Sept. 4, 1999, the TNI evacuated them for their safety. Muis said that the arrival of new forces allowed TNI to bring the situation under control and preserve much of the logistical infrastructure. When INTERFET forces arrived in late September, Muis claimed that witnesses observed them looting. He then listed a series incidents that he said INTERFET did not prevent, implying that they should have been held accountable in the same manner as critics wish to hold Indonesian security forces responsible.

111. (SBU) During questioning, East Timorese Commissioner Isabella Ferreira noted that Muis did not mention a single time when integrationists had killed independence supporters. Muis replied that the cases she cited were not reported to him by his staff. He denied that the TNI had supported any militias when asked by Indonesian Commissioner Achmad Ali, who also declared that Muis had clearly shown that UNAMET had

been the catalyst for violence. Muis claimed that UNAMET kidnapped and tortured one pro-integration activist, but confirmed that UNAMET personnel did not carry weapons. Under questioning about the attack on Bishop Belo's residence, Muis blamed Belo for sending TNI troops away. He denied the claims of a militia leader who told the commission during its first session in Bali that weapons were provided by the TNI.

Cancio Lopes da Carvalho Dodges Weapons Question

¶12. (C) Before Cancio Lopes da Carvalho's testimony, East Timorese Commissioner Felicidade Guterres informed PolCouns that da Carvalho had told the commission that he wanted to state publicly that his militia had received weapons from the TNI. Guterres expressed frustration on the lack of truthfulness by Indonesian officials and was hopeful about this testimony. She said that she was doubtful the CTF would be able to agree to a joint report. When Indonesian Commissioner Agus Widjojo approached to announce that he saw an ever increasing consensus within the commission on past events, Guterres stayed silent.

¶13. (SBU) Da Carvalho, former Mahidi militia leader in Ainaro, danced around the question, posed to him several times, of where his militia obtained weapons. He said that of course the militia had many weapons, but that he had to keep certain secrets. He referred to the testimony of General Wiranto and Noer Muis, both of whom had denied any links between the TNI and militias. Da Carvalho then stated that he would only fully answer the question in a court of law should there be a trial. At another point he talked of possibly getting into legal trouble himself, and then suggested that he could get into trouble in more general terms. He left the impression that he had been pressed to be silent on the issue. He agreed to consider the possibility of testifying to the committee in a private session. Asked about certain violent incidents, he said he was not present at the ones mentioned. He described the militia's existence as an outgrowth of the violence his region faced and said he became leader because he was the son of the village chief.

Agus Tarmidzi: All Agreed to Sept. 4 Announcement

¶14. (SBU) Former chair of the Indonesian task force to organize the referendum, Agus Tarmidzi, spoke at length about the requirements of the May 5 agreement and the work needed to implement it. Like other Indonesian officials, he complained about UNAMET partiality. In an important break with other witnesses, however, he said that there was no discussion in the joint meetings on the ground between UNAMET, the military and his committee, stating that the referendum results would be announced Sept. 7, 1999. While

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he acknowledged there may have been an agreement at more senior levels, Tarmidzi said that on the ground in East Timor everyone, including the security forces, agreed to the release of the results on Sept. 4. If there had been an agreement to wait until Sept. 7, officials on the ground should have been told. Contradicting General Muis by name, Tarmidzi added that delaying the announcement by three days probably would not have accomplished much to prepare people since officials had to face the issue of leakage of the information during any intervening period. He added that after dozens of years, Indonesia had failed to gain acceptance in East Timor, three days was meaningless.

Captain Camilo Dos Santo

¶15. (SBU) A lieutenant at the time, Captain Dos Santos has been implicated by human rights groups in the murder of two foreign journalists and their translators at the time when

parts of his battalion were being evacuated by surface convoy from East Timor to Kupang. The gist of his testimony was a day by day account of the movement of the convoy, including a description of being attacked at one point by armed independence supporters, and acknowledging an argument with the reporters and seizure of their film and cameras before arriving in Kupang in West Timor. Dos Santos said that he learned of the death of the journalists on television after reaching Kupang.

¶16. (SBU) Dos Santos described the contact with the journalists as a heated debate with them after they took pictures of the convoy without permission. He said members of his unit were offended. According to Dos Santos, the soldiers confiscated the two cameras and film. Dos Santos said he was subsequently punished by a military court that sentenced him to two months imprisonment for taking the cameras and burning them.

¶17. (SBU) Attempts by East Timorese commissioners to tie Dos Santos to the journalists' murders or other Battalion 745 forces to other killings received various forms of denials. Dos Santos emphasized TNI professionalism, discipline and neutrality, and the fear of pro-autonomy refugees. When one commissioner asked why the journalists had been beaten up, Dos Santos denied any violence having taken place, just seizure of the cameras. In response to a question by an Indonesian commissioner, Dos Santos denied that he had ever ordered sweeping of the house of pro-independence supporters or the shooting of their cattle.

Lieutenant Colonel Jacobus Sarosa

¶18. (SBU) Former commander of battalion 745, Sarosa also stated that he had nothing to do with the murder of the journalists, and learned of it later. Sarosa said that reports from within the military said the journalists were stabbed, but that Australian doctors claimed on television that they were shot. He said that he also served time for the destruction of their cameras and film, which he said he ordered.

The Murder of Mau Hudu

¶19. (SBU) Sergeants Simao Coreia and Luis dos Santos testified that they were not involved in the murder of pro-independence leader Mau Hudu of the CNRT. A subsequent witness, Augusto Dato Buti, claimed to have seen Simao Coreia order the killing and Dos Santos carry it out. He said, however, that while he fully recognized Coreia in the hearing room, the shooter was a different Luis Dos Santos. He said that Coreia told him at the time of the execution that he was both a member of battalion 744 and a member of the Aitarak militia as well. Buti said that Coreia was wearing military trousers and an Aitarak tee-shirt at the time of the killing.

Victim Witnesses

¶20. (SBU) Several victim witnesses testified. Alianca Goncalves described the rape and torture of Anna Lemos, a teacher and local staff member of UNAMET, apparently by a member of the sub-military district command. Berta Dos Santos testified about the killing of her husband, a farmer,

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when he refused to pay protection money to pro-independence Falintil. Luisa Alves Almeida testified about the killing of her husband by pro-independence people.

Election Observer States Election was Clean

¶21. (SBU) Muflizar, an election observer for the Asia Network

for Free and Fair Elections (ANFREL) testified to the proper conduct of the elections in Dili and Liquica. He said procedural violations on election day were minor. ANFREL's report on violence post elections was based on reports from 42 international observers sent to 10 districts within East Timor. Muflizar said he could not address the political views of poll watchers, which he did not inquire about, but heard from the organizers, UNAMET, that they sought the most qualified personnel available.

Koesparmono Irsan

¶22. (SBU) A former member of the police and National Commission on Human Rights (KomnasHam), Irsan testified to the unearthing of a mass grave in April 1999 that contained 39 bodies including those of three priests. Since he left East Timor the day after the referendum, he could not testify directly to events in September 1999, and for that reason did not assert during the trial of Timbul Silaen that there had been gross violation of human rights based on the events he experienced. He said, however, that other members of KomnasHam had documented more events and for that reason the Ad Hoc Tribunal had been created that tried 18 Indonesian defendants for events in East Timor. He did not dispute the findings of his colleagues from KomnasHam.

Gatot Subiyaktoro

¶23. (SBU) Former Suai District Police Chief who was among the 18 pursued unsuccessfully in the Indonesian courts, Subiyaktoro described the collapse of social services under a wave of refugees from other districts. Five days after the referendum, infrastructure such as fuel, electricity, telephone and clean water had disappeared. On September 7, the town's church was set on fire. Subiyaktoro said that he was surprised by the church burning given that most East Timorese were Catholics and respectful of the church. The police had a good relationship with the church in his district, he said. Subiyaktoro noted that the police guarded the ballot boxes but complained that no Indonesian was allowed to guard the boxes when, he said, they were taken to Darwin.

¶24. (C) Comment: The testimony during this four-day session was mostly a snapshot of Indonesian officials describing their version of how the events of 1999 came about in East Timor. Given the planned location of the next session, Kupang in West Timor, we expect that the testimony there will be mostly in a similar vein. Presumably the tenor will change when the CTF moves on to public testimony in East Timor. How the commission members use the information before them, whether public, private or in written documentation, and then synthesize it in a final report will ultimately be the key to the credibility of their work. The opening statement by the Indonesian co-chair on behalf of the entire commission emphasized that testimony would not be the only basis for their conclusions, an important point given the uneven levels of veracity. End Comment

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